

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.03.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7243 of 2019

P.S.Murugan

.. Petitioner

Vs

The Inspector of Police,
All Women Police Station,
Thiruchengode Town,
Namakkal District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate No.VI, Salem to recall the Non Bailable Warrant issued against the petitioner in DVOP.No.1 of 2017 on 04.03.2019.

For Petitioner : M/S.T.Kalaimani

For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This Criminal Original petition has been filed to direct the Judicial Magistrate Court No.VI, Salem, to consider the petition filed by the petitioner to recall the Non Bailable Warrant, which was issued on 04.03.2019 in DVOP.No.1 of 2017 on the same day of surrender.

2. The learned counsel appearing for the petitioner would submit that on 27.02.2019, the Court below permitted the petitioner to file a counter by 04.03.2019. The petitioner has not filed any counter within the time frame fixed by the Court below. Thereafter, the Court below has decided its own and posted the case to 01.04.2019 and issued a non bailable warrant against the petitioner. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.

3. Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the Judicial Magistrate Court No.VI, Salem on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against him. On filing of such petition, the concerned learned Magistrate is directed to consider the same on

its own merits in accordance with law and pass orders on the same day.

4. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mpa/lpp

To

1. The Judicial Magistrate Court No.VI,
Salem.

2.The Inspector of Police,
All Women Police Station,
Thiruchengode Town,
Namakkal District.

3.The Public Prosecutor,
High Court, Madras.

+lcc to M/S.T.Kalaimani, Advocate sr.no.25593

Crl.O.P.No.7243 of 2019

rr(co)
nr 26/03/2019

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